

KENTUCKY REAL ESTATE APPRAISERS BOARD

TYPE OF MEETING

Regular Meeting

DATE AND LOCATION

March 27, 2009 – Board Office

PRESIDING OFFICER

Dorsey Hall, Chair

ROLL CALL

Present:

Dorsey Hall, Chair
Paul Moore, Vice Chair
Loren Huff, Board Member
Sam E. Blackburn, Board Member
G. Herbert Pritchett, Board Member

Present Also:

Larry Disney, Executive Director
Angie Thomas, Staff Assistant
James Grawe, Board Counsel
Dennis Badger, Investigator

Chair, Dorsey Hall opened the meeting by welcoming the guest. The guests in attendance were George Cox, Alice Cox, Andy Peak and Appraisal Subcommittee – Kristi Klamlet and Neal Fenochietti.

Motion by Paul Moore, second by Sam Blackburn and the Board unanimously approved the February 26, 2009 minutes.

EDUCATION

Motion by Paul Moore, second by Herbert Pritchett and the Board unanimously agreed to approve the following education courses for fiscal year 2008-09:

A. Appraisal Institute – Two (2) qualifying education courses:

- (1) General Appraiser Income Approach, Part 1 – 30 hours QE – 27 hours CE without exam
- (2) General Appraiser Income Approach, Part 2 – 30 hours QE – 27 hours CE without Exam

B. Redd, Brown & Williams Educational Services – Two (2) continuing education courses:

- (1) National USPAP Update course – 7 hours CE

(2) RBW 1004MC-7 – 7 hours CE

C. McKissock, LP – One (1) virtual classroom qualifying education course and one (1) virtual classroom continuing education course:

(1) National USPAP Update – 7 hours virtual classroom CE

(2) National USPAP Course – 15 hours virtual classroom QE

D. American Society of Farm Managers & Rural Appraisers – One (1) continuing education course:

(1) A-370 - Appraisal Review Under USPAP – 22 hours CE

EXPERIENCE

Motion by Herbert Pritchett, second by Loren Huff and the Board unanimously agreed to accept the following:

(1) Robin May – Approve for Certified Residential

(2) Brian Sharp – Approve for Certified General

(3) Benjamin K. Sirk – Approve for Certified General

CERTIFICATION/LICENSURE

Motion by Paul Moore, second by Loren Huff and the Board voted to approve a total of seven (7) individuals for certification/licensure.

(1) John M. Carmicle – Certified Residential

(2) John H. Harper – Certified General – Reciprocal with Missouri

(3) Robin May – Certified Residential

(4) Brian Sharp – Certified General

(5) Benjamin K. Sirk – Certified General

(6) James K. Tellatin – Certified General – Reciprocal with Missouri

(7) James B. Tune, Jr. - Associate

COMPLAINT

A. Dennis Badger – Report on the contractor activities

B. The Board discussed the open cases.

1. Cases in criminal suit – ASC will consider this with proper documentation in file.

2. The Board recommends the process of receiving cases shall be stamped as the case is received in the office and proceed with the stamp date.

3. Sam Blackburn recommends some cases can be possibly investigated as desk reviews.

4. The Appraisal Subcommittee considers the case open the date the case has been received and stamped by staff.

C. The Board was advised there have been a total of 9 cases filed for 2009.

D. Case Nos. 07-40, 07-52 and 08-21 – Letter from Matt Miniard for settlement offer – A motion was made by Paul Moore to deny the request and a second was made by Sam Blackburn.

E. Cases:

- (1) Case No. 08-12 – Grievant: KREAB
Motion by Paul Moore, second by Sam Blackburn and the Board unanimously agreed to file a formal complaint and set for hearing.
- (2) Case No. 07-58 – Grievant: KREAB
Respondent: David Bicker
Motion by Herbert Pritchett, second by Loren Huff and the Board unanimously agreed the case be rolled with the same settlement agreement for Case No. 07-45.
- (3) Case No. 07-58 – Grievant: KREAB
Respondent: David Wild
Motion by Paul Moore, second by Loren Huff and the Board unanimously agreed to dismiss with a letter of caution.
- (4) Case No. 08-18 – Grievant: KREAB
Respondent: Don Ross
Motion by Loren Huff, second by Herbert Pritchett and the Board unanimously agreed to dismiss the case.
- (5) Case No. 08-20 – Grievant: KREAB
Respondent: John Lyons
Motion by Sam Blackburn, second by Paul Moore and the Board unanimously agreed to dismiss the case.
- (6) Case No. 08-14 – Grievant: KREAB
Motion by Loren Huff, second by Herbert Pritchett and the Board unanimously agreed to file a formal complaint and set for hearing.
- (7) Case No. 08-25 – Grievant: KREAB
Respondents: David Bicker and David Wild
Motion by Paul Moore, second by Sam Blackburn and the Board unanimously agreed to dismiss with a letter of caution
- (8) Case Nos. 07-72, 07-73, 08-11 – Grievant: KREAB
Respondent: J. Robert Ford
The Final Order was ratified with a motion by Paul Moore, second by Sam Blackburn
 - (a) **Ford** hereby agrees to voluntarily surrender Certificate No 2846, effective upon the entry of this Order by the Board. Ford further agrees that he shall not seek reinstatement or otherwise apply for a license from the Board for a period of at least one year from the date of this Order.
 - (b) **Ford** acknowledges that if he should apply for licensure after the one year period

prescribed in this Order, that he shall be required to meet all requirements for education, examination, and experience in place at the time of the application.

MISCELLANEOUS

- A. Budget Ending February 2009 – Look over budget and present the proposed budget figures at the April Board meeting.
- B. Louisville Seminar Evaluation and Test Results
- C. Personal Service Contracts 2009-2010
 - (1) Investigation Contract – Contract was issued to Dennis Badger & Associates for Two years - 08/09 and 09/10 fiscal years. –
 - (2) Hearing Officer Contract – EO1 approved \$20,000. RFP will be issued for 09/10 fiscal year.
 - (3) Testing Contract – EO1 approved for \$10,000 for 09/10 fiscal year
 - (4) Distance Education Contract – EO1 approved for \$10,000 for 09/10 fiscal year
 - (5) Legal Service Contract – EO1 approved for \$15,000 for 09/10 fiscal year
- D. Information from Department of Financial Institution concerning AMC's and a complaint filed by Jarrett Hardesty.
- E. Corbin Seminar Evaluation and Test Results
- F. Open Cases
- G. 201 KAR 30:040 – Regulation Change – Motion by Sam Blackburn, second by Paul Moore and the Board unanimously approved the change.
- H. The Board discussed changing the Statute for 1) Fee change, 2) Regulating Appraisal Management companies (AMC).
- I. The Board discussed making the supervisor/trainee course available online.
- J. The Board discussed hiring for available position.
- K. The Board discussed AMC's - Herbert Pritchett recommends to broadcast information to appraisers about AMC's concerning disclosing the fee's.

NEW BUSINESS

- A. Hearing - Thursday, May 14, 2009 – 9:00 a.m. – David Noel
- B. Hearing – Friday, April 17, 2009 – 1:00 p.m. – Stan Chase
- C. Hearing – Tuesday, April 14, 2009 – 9:00 a.m. – Matt Miniard
- D. Hearing – Tuesday – Thursday, May 5-7, 2009 – Marshall Flynn
- E. **May Board Meeting** – Friday, May 22, 2009 – 9:00 a.m. – Board Office
- F. **June Board Meeting** – Friday, June 12, 2009 – 9:00 a.m. – Board Office.
- G. Hearing – Monday-Thursday, July 13-16, 2009 – 9:00 a.m. – Mark Mitchell
- H. **July Board Meeting** – Friday, July 24, 2009 – 9:00 a.m.

APPRAISAL SUBCOMMITTEE REVIEW

Kristi Klamlet and Neal Fenochietti, Appraisal Policy Managers presented the following report to the Board Members and Staff:

1. The last review was in January 2007.

2. Education, Application, Temporary Permits and Roster Submissions are all being completed satisfactory.
3. The cases settled were done excellent.
4. There were 34 cases that were over one year old. All cases must be closed within one year of receiving the case.
5. Statues and Regulations:
 - 1) 2006 USPAP version is still in current laws and regulations. This must be changed to the current version.
 - 2) The Board does not have a regulation for only rewarding 50% credit for non-student education/teaching.
6. The Appraisal Subcommittee recommends not identify a particular provider in agreed orders.
7. The Appraisal Subcommittee has a new process that a letter will come from the Executive Director listing all findings from the review. The Board will respond to the letter. The letter will not be presented to the Appraisal Subcommittee until after changes have been noted and made to the findings.

The next Board meeting is scheduled for Friday, April 24, 2009 – 9:00 a.m. at the board office.

Motion by Herbert Pritchett, second by Loren Huff and the Board voted unanimously to adjourn the meeting.



Vice Chair



Staff Assistant